

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JONATHAN O. DAYE, individually and on
behalf of those similarly situated,

Case No.: 21-cv-7582

Plaintiff,

v.

ALLIED INTERSTATE LLC
JOHN DOES 1-10

Defendants.

DEFENDANT ALLIED INTERSTATE LLC'S NOTICE OF REMOVAL

Defendant Allied Interstate LLC ("Defendant" or "Allied Interstate"), by filing this Notice of Removal and related papers, hereby removes the above-entitled action from the Superior Court of New Jersey Law Division, Mercer County, to the United States District Court for the District of New Jersey pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

In support of this Notice of Removal, Defendant asserts the following:

1. On February 24, 2021, Plaintiff Jonathan O. Daye ("Plaintiff") filed his Complaint in the Superior Court of New Jersey Law Division, Mercer County.
2. On March 5, 2021, Defendant was served with a copy of the Complaint.
3. The Complaint alleges Plaintiff is a New Jersey resident.
4. The Complaint alleges Defendant is a limited liability company with a principal place of business located in Minnesota.
5. Defendant desires to exercise its right to remove the county court action

under 28 U.S.C. § 1441(a), which provides in pertinent part:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

6. The Complaint alleges that Defendant violated the Fair Debt Collection Practices Act, codified at 15 U.S.C. § 1692, *et seq.* (the “FDCPA”).

7. Given the allegation in the Complaint that Defendant violated the FDCPA, this Court, pursuant to 28 U.S.C. § 1331, has subject matter jurisdiction over the allegations in the Complaint.

8. The Superior Court of New Jersey Law Division, Mercer County action may be removed to this Court by Defendant in accordance with the provisions of 28 U.S.C. § 1441(a) because this is a civil action pending within the jurisdiction of the United States District Court for the District of New Jersey and because the allegations by Plaintiff allege violations of the FDCPA.

9. Notice of Removal is being filed within 30 days after service of the Complaint upon Defendant and is thus timely as set forth in 28 U.S.C. § 1446(b).

10. Pursuant to 28 U.S.C. § 1441(a), venue is proper because Mercer County lies within the territorial jurisdiction of the District of New Jersey.

11. Pursuant to 28 U.S.C. § 1446(a), a copy of the Complaint served on Defendant is attached hereto as Exhibit A.

12. A civil cover sheet will be contemporaneously filed with this pleading.

13. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is contemporaneously being filed with Superior Court of New Jersey Law Division, Mercer County and served on Plaintiff's counsel. By serving a copy of this Notice of Removal upon Plaintiff's Counsel, Defendant is giving Plaintiff proper notice of this removal.

14. Defendant reserves the right to amend or supplement this Notice of Removal and further reserves the right to raise all defenses or objections.

WHEREFORE, Defendant Allied Interstate LLC, by counsel, removes the subject action from with Superior Court of New Jersey Law Division, Mercer County to the United States District Court for the District of New Jersey.

DATED: March 31, 2021

Respectfully submitted,

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